IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 912 OF 1987

Izzatullah Movlavizadah ... Plaintiff
VS.
Messrs. Jayko Chemical Industries & ors. ... Defendants

Mr. M. M. Bagadia for Plaintiff.
Mr. A.B. Dubey i/b. N.N. Vaishnawa for Defendant

CORAM: **D.G. KARNIK J**.

DATE: 7/7/2006

P.C.

1. Heard learned counsel for the Plaintiff and the defendant. Though the suit has been filed in the year 1987 the defendant has not filed the written statement. In the absence of the written statement the averments made in the plaint are deemed to be admitted.

2. Considering the nature of the suit which is only for recovery of money, I am inclined to exercise my jurisdiction under Order 8 Rule 5(2) read with Order 8 Rule 10 of C.P.C. The suit of the Plaintiff is decreed in terms of prayer clause (a).

(D.G. KARNIK J.)